

BROWNE AND OTHERS v. STRODE.

BROWNE
v.
STRODE.

THIS was a case certified from the circuit court for the district of Virginia, the judges of that court being divided in opinion upon the question whether they had jurisdiction of the case.

The courts of the United States have jurisdiction in a case between citizens of the same state, if the plaintiffs are only nominal plaintiffs for the use of an alien.

It was an action on a bond given by an executor for the faithful execution of his testator's will, in conformity with the statute of Virginia. The object of the suit was to recover a debt due from the testator in his life-time to a *British subject*. The defendant was a *citizen of Virginia*. The persons named in the declaration as *plaintiffs* were the justices of the peace for the county of Stafford, and were all *citizens of Virginia*.

The question being submitted without argument,

THE COURT ordered it to be certified, as their opinion, that the court below has jurisdiction in the case.

HODGSON AND THOMPSON v. BOWERBANK AND OTHERS.

ERROR to the circuit court for the district of Maryland. The defendants below were described in the record as "*late of the district of Maryland, merchants*," but were not stated to be *citizens* of the state of Maryland. The plaintiffs were described as "*aliens and subjects of the king of the united kingdom of Great Britain and Ireland*."

Although the plaintiff be described in the proceedings as an alien, yet the defendant must be expressly stated to be a *citizen* of some one of the United States. Otherwise the courts

Martin contended, that the courts of the United